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IO GROUP, INC.

E-filing

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

IO GROUP, INC. d/b/a TITAN  
MEDIA, a California corporation,

Plaintiff,

vs.

DOES 1-50, individuals,

Defendants.

)  
) CASE NO.:  
) **CV 10 4378**  
)

) COMPLAINT:  
)

) COPYRIGHT INFRINGEMENT and  
) CIVIL CONSPIRACY  
)

) JURY TRIAL DEMANDED  
)

INTRODUCTION

1. This is an action by IO GROUP, INC. a California corporation, d/b/a Titan Media ("Titan Media"), to recover damages arising from infringement of Io Group's copyrights in its creative works by Defendants DOE 1 to 50 and to enjoin Defendants from future infringement. Defendants reproduced, distributed, and publicly displayed, through the P2P network "eDonkey2000" certain Io Group-owned audiovisual works.

## THE PARTIES

2. Io Group, Inc. is a California corporation doing business as "Titan Media," with its principal place of business located at 69 Converse Street, San Francisco, California 94103. Titan Media produces, markets, and distributes adult entertainment products, including Internet website content, videos, DVDs, photographs, etc. Plaintiff operates and maintains a website by and through which customers paying a monthly subscription fee may view Plaintiff's photographic and audiovisual works.

3. The true names and capacities, whether individual, corporate, affiliate, or otherwise, of Defendant DOES 1 - 50 inclusive, are presently unknown to Plaintiff, and for that reason Plaintiff sues those Defendants by such fictitious names. Plaintiff is informed and believes and based thereon alleges that each of the DOE Defendants is in some way responsible for the damages herein alleged. Plaintiff will amend this Complaint when it discovers the true names and capacities of the DOE Defendants.

4. Each Defendant used an Internet connection provided by AT&T Internet Services operating as Bell South Internet to access the Internet for the purpose of engaging in the infringing activity complained of herein.

5. Plaintiff is informed and believes and based thereon alleges that each of the Defendants, was and is the agent and representative of the other Defendants, acting within the purpose and scope of said agency and representation. Plaintiff is further informed and believes and based thereon alleges that each of the Defendants, authorized and ratified the conduct herein alleged of each of the other Defendants.

**JURISDICTION**

6. This Court has subject matter jurisdiction over Plaintiff's claims for copyright infringement and related claims pursuant to 17 U.S.C. §§ 101, *et. seq.*, and 28 U.S.C. §§ 1331 and 1338(a).

7. The Court has personal jurisdiction over Defendants. All Defendants solicit, transact, and are doing business within the State of California and/or have committed unlawful and tortuous acts both within and outside the State of California knowing their acts would cause injury in California. Plaintiff's claims arise out of the conduct that gives rise to personal jurisdiction over Defendants.

**INTRADISTRICT ASSIGNMENT**

8. Since this matter is based in copyright it may be assigned to any of the three divisions of the District Court for the Northern District of California.

**VENUE**

9. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b)(2) and 1400(a).

**BACKGROUND**

10. Technological advances have made it increasingly possible to transfer large amounts of data, including digital video files, by and through the Internet. As Congress and the courts clarify the law and close legal loopholes in order to hold infringers liable for their actions, would-be infringers develop new and often increasingly complex means of engaging in piracy, hoping that the complexity of their systems will help them avoid

1 detection, identification, and prosecution. Defendants' infringement represents one of  
2 these manifestations of on-line digital piracy.

3 11. In using the peer-to-peer (P2P) network "eDonkey2000", each of the DOE  
4 Defendants conspired with other individuals, including the other DOE Defendants, to  
5 reproduce and distribute Plaintiff's copyrighted works. Each of the DOE Defendants  
6 conspired to provide other individuals with infringing copies of Plaintiff's works in  
7 exchange for receiving infringing copies of other works including other works belonging  
8 to Plaintiff.  
9  
10

11 **FACTS COMMON TO ALL CLAIMS**

12 12. Plaintiff has won numerous awards for its high-quality work beginning with  
13 an award for Best Gay Video in its first year in existence (1995). Since then Plaintiff has  
14 won awards nearly every year including awards for Best Art Direction, Best Videography,  
15 Best Packaging, Best DVD Extras, Best Cinematography, and Best Editing. Competitors  
16 and consumers alike recognize Plaintiff as one of the highest quality producers of gay  
17 erotica.  
18  
19

20 13. Each of the audiovisual works at issue in this action is of obvious high  
21 production values and is easily discernable as a professional work. Plaintiff created the  
22 works using professional performers, directors, cinematographers, lighting technicians, set  
23 designers and editors. Plaintiff created each work with professional-grade cameras,  
24 lighting, and editing equipment.  
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27 14. Each of Plaintiff's works is marked with Plaintiff's trademark (either  
28 TitanMedia, TitanMen, ManPlay or MSR Video), a copyright notice, a warning that

1 unauthorized copying is illegal and will be prosecuted, and a statement as required by 18  
2 U.S.C. §2257 that age verification records for all individuals appearing in the works are  
3 maintained at corporate offices in San Francisco, California.

4  
5 15. All Defendants knew or should have known that Plaintiff's principle place of  
6 business is in San Francisco, California and that infringement of its works was likely to  
7 cause harm in California.

8  
9 16. At various times Plaintiff discovered and documented a number of Io Group,  
10 Inc. copyrighted works being publicly distributed by DOES 1 through 50 by and through  
11 the P2P network "eDonkey2000".

12  
13 17. Defendants, without authorization, copied and distributed audiovisual works  
14 owned by and registered to Plaintiff.

15  
16 **FIRST CAUSE OF ACTION**

17 **COPYRIGHT INFRINGEMENT – 17 U.S.C. §501**

18 **Plaintiff Titan Media Owns Federally Registered Copyrights of Various Creative Works**

19  
20 18. Plaintiff repeats and incorporates by this reference each and every allegation  
21 set forth in paragraphs 1 through 50, inclusive.

22  
23 19. At all times relevant hereto, Plaintiff has been the producer and owner of the  
24 audiovisual works reproduced and distributed by Defendants through the P2P network  
25 "eDonkey2000".



1           20. For each of the works at issue in this matter, Plaintiff holds a copyright  
2 registration certificate from the United States Copyright Office or has timely applied for  
3 registration.  
4

5                   Defendants Willfully Infringed Plaintiff's Registered Copyrights

6           21. Plaintiff is informed and believes and based thereon alleges that Defendants  
7 without authorization, reproduced and distributed Plaintiff's copyright registered works by  
8 and through the P2P network "eDonkey2000".  
9

10          22. Defendant Doe 1, without authorization, reproduced Plaintiff's registered  
11 work *110 Degrees in Tucson* (U.S. registration PA 1-290-634) and distributed it on  
12 5/17/2010 at 05:05:01 GMT, from the IP address 65.3.129.238.  
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14          23. Defendant Doe 2, without authorization, reproduced Plaintiff's registered  
15 work *110 Degrees in Tucson* (U.S. registration PA 1-290-634) and distributed it on  
16 6/11/2010 at 20:29:31 GMT, from the IP address 74.229.145.2. Defendant Doe 2, without  
17 authorization, reproduced Plaintiff's registered work *Joe Gage Sex Files VOL. 2* (U.S.  
18 registration PA 1-230-106) and distributed it on 6/12/2010 at 15:55:27 GMT, from the IP  
19 address 74.229.145.2. Defendant Doe 2, without authorization, reproduced Plaintiff's  
20 registered work *Joe Gage Sex Files VOL. 3* (U.S. registration PA 1-230-117) and  
21 distributed it on 6/10/2010 at 19:06:08 GMT, from the IP address 74.229.145.2.  
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24          24. Defendant Doe 3, without authorization, reproduced Plaintiff's registered  
25 work *110 Degrees in Tucson* (U.S. registration PA 1-290-634) and distributed it on  
26 6/12/2010 at 06:02:34 GMT, from the IP address 65.10.55.6.  
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1           25. Defendant Doe 4, without authorization, reproduced Plaintiff's registered  
2 work *Battle Creek BreakDown* (U.S. registration PA 1-668-288) and distributed it on  
3 4/8/2010 at 21:52:31 GMT, from the IP address 74.161.16.69.

4           26. Defendant Doe 5, without authorization, reproduced Plaintiff's registered  
5 work *Boner!* (U.S. registration PA 990-715) and distributed it on 5/3/2010 at 07:48:59  
6 GMT, from the IP address 68.214.220.228.

7           27. Defendant Doe 6, without authorization, reproduced Plaintiff's registered  
8 work *Breakers* (U.S. registration PA 1-617-991) and distributed it on 4/8/2010 at 15:03:02  
9 GMT, from the IP address 74.163.216.90.

10           28. Defendant Doe 7, without authorization, reproduced Plaintiff's registered  
11 work *Breakers* (U.S. registration PA 1-617-991) and distributed it on 4/11/2010 at  
12 00:11:50 GMT, from the IP address 74.176.89.60.

13           29. Defendant Doe 8, without authorization, reproduced Plaintiff's registered  
14 work *Breakers* (U.S. registration PA 1-617-991) and distributed it on 4/18/2010 at  
15 08:24:28 GMT, from the IP address 74.178.163.138.

16           30. Defendant Doe 9, without authorization, reproduced Plaintiff's registered  
17 work *Breakers* (U.S. registration PA 1-617-991) and distributed it on 4/19/2010 at  
18 08:06:00 GMT, from the IP address 70.156.161.138.

19           31. Defendant Doe 10, without authorization, reproduced Plaintiff's registered  
20 work *Breakers* (U.S. registration PA 1-617-991) and distributed it on 4/27/2010 at  
21 21:47:17 GMT, from the IP address 74.179.164.163.  
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1           32. Defendant Doe 11, without authorization, reproduced Plaintiff's registered  
2 work *Breakers* (U.S. registration PA 1-617-991) and distributed it on 6/14/2010 at  
3 15:36:44 GMT, from the IP address 65.13.133.234.

4           33. Defendant Doe 12, without authorization, reproduced Plaintiff's registered  
5 work *Copperhead Canyon* (U.S. registration PA 1-637-557) and distributed it on  
6 5/24/2010 at 18:56:42 GMT, from the IP address 65.8.98.205.

7           34. Defendant Doe 13, without authorization, reproduced Plaintiff's registered  
8 work *CopShack 2 - Crossing The Line* (U.S. registration PA 1-366-927) and distributed it  
9 on 5/18/2010 at 23:43:47 GMT, from the IP address 65.3.251.233.

10           35. Defendant Doe 14, without authorization, reproduced Plaintiff's registered  
11 work *CopShack 2 - Crossing The Line* (U.S. registration PA 1-366-927) and distributed it  
12 on 6/14/2010 at 15:30:28 GMT, from the IP address 98.77.188.164.

13           36. Defendant Doe 15, without authorization, reproduced Plaintiff's registered  
14 work *Coyote Point* (U.S. registration PA 1-688-979) and distributed it on 5/30/2010 at  
15 22:37:15 GMT, from the IP address 74.226.166.222.

16           37. Defendant Doe 16, without authorization, reproduced Plaintiff's registered  
17 work *Distraction* (U.S. registration PENDING) and distributed it on 4/6/2010 at 09:56:14  
18 GMT, from the IP address 72.144.160.223.

19           38. Defendant Doe 17, without authorization, reproduced Plaintiff's registered  
20 work *Fallen Angel* (U.S. registration PA 871-486) and distributed it on 4/1/2010 at  
21 21:59:43 GMT, from the IP address 74.225.73.217.



1           39. Defendant Doe 18, without authorization, reproduced Plaintiff's registered  
2 work *Fallen Angel* (U.S. registration PA 871-486) and distributed it on 4/13/2010 at  
3 23:49:41 GMT, from the IP address 65.11.228.124.

4           40. Defendant Doe 19, without authorization, reproduced Plaintiff's registered  
5 work *Fallen Angel IV - Sea Men* (U.S. registration PA 1-065-767) and distributed it on  
6 5/10/2010 at 03:55:31 GMT, from the IP address 74.247.51.186.

7           41. Defendant Doe 20, without authorization, reproduced Plaintiff's registered  
8 work *Folsom Flesh* (U.S. registration PA 1-666-461) and distributed it on 4/1/2010 at  
9 09:39:53 GMT, on 4/1/2010 at 21:09:22 GMT, and on 4/3/2010 at 09:38:24 GMT, from  
10 the IP address 98.64.71.156.

11           42. Defendant Doe 21, without authorization, reproduced Plaintiff's registered  
12 work *Fear* (U.S. registration PA 1-617-997) and distributed it on 6/7/2010 at 13:21:06  
13 GMT, from the IP address 70.145.0.126.

14           43. Defendant Doe 22, without authorization, reproduced Plaintiff's registered  
15 work *Folsom Prison* (U.S. registration PA 1-635-863) and distributed it on 4/1/2010 at  
16 14:12:46 GMT, from the IP address 98.71.182.248.

17           44. Defendant Doe 23, without authorization, reproduced Plaintiff's registered  
18 work *Folsom Prison* (U.S. registration PA 1-635-863) and distributed it on 4/24/2010 at  
19 05:45:57 GMT, from the IP address 98.84.40.123.

20           45. Defendant Doe 24, without authorization, reproduced Plaintiff's registered  
21 work *Folsom Prison* (U.S. registration PA 1-635-863) and distributed it on 6/29/2010 at  
22 07:16:13 GMT, from the IP address 98.84.70.110.

1           46. Defendant Doe 25, without authorization, reproduced Plaintiff's registered  
2 work *Gorge* (U.S. registration PA 1-202-666) and distributed it on 5/5/2010 at 18:08:45  
3 GMT, from the IP address 98.74.39.166.

4           47. Defendant Doe 26, without authorization, reproduced Plaintiff's registered  
5 work *Heat* (U.S. registration PA 1-017-633) and distributed it on 5/31/2010 at 03:37:04  
6 GMT, from the IP address 74.173.54.40.

7           48. Defendant Doe 27, without authorization, reproduced Plaintiff's registered  
8 work *Heat* (U.S. registration PA 1-017-633) and distributed it on 6/3/2010 at 07:43:17  
9 GMT, from the IP address 98.85.104.69.

10           49. Defendant Doe 28, without authorization, reproduced Plaintiff's registered  
11 work *Closed Set: The New Crew* (U.S. registration PA 1-238-188) and distributed it on  
12 4/11/2010 at 01:54:37 GMT, from the IP address 65.8.100.27.

13           50. Defendant Doe 29, without authorization, reproduced Plaintiff's registered  
14 work *Closed Set: The New Crew* (U.S. registration PA 1-238-188) and distributed it on  
15 5/23/2010 at 07:12:46 GMT, from the IP address 74.173.197.186.

16           51. Defendant Doe 30, without authorization, reproduced Plaintiff's registered  
17 work *Joe Gage Sex Files VOL. 2* (U.S. registration PA 1-230-106) and distributed it on  
18 5/7/2010 at 05:25:32 GMT, from the IP address 98.83.17.22.

19           52. Defendant Doe 31, without authorization, reproduced Plaintiff's registered  
20 work *Ten Tops One Fuller* (U.S. registration PA 1-232-827) and distributed it on  
21 5/13/2010 at 14:53:28 GMT, from the IP address 70.145.0.126.  
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1           53. Defendant Doe 32, without authorization, reproduced Plaintiff's registered  
2 work *Truck Stop On I-95* (U.S. registration PA 1-232-268) and distributed it on 5/7/2010 at  
3 02:41:59 GMT, from the IP address 70.145.56.173.

4           54. Defendant Doe 33, without authorization, reproduced Plaintiff's registered  
5 work *Turned On* (U.S. registration PA 1-319-593) and distributed it on 6/12/2010 at  
6 21:16:51 GMT, from the IP address 74.248.237.63.

7           55. Defendant Doe 34, without authorization, reproduced Plaintiff's registered  
8 work *Shock Treatment* (U.S. registration PA 1-666-469) and distributed it on 4/4/2010 at  
9 12:41:39 GMT, from the IP address 65.9.185.86.

10           56. Defendant Doe 35, without authorization, reproduced Plaintiff's registered  
11 work *Shock Treatment* (U.S. registration PA 1-666-469) and distributed it on 6/2/2010 at  
12 03:46:45 GMT, from the IP address 74.190.33.175.

13           57. Defendant Doe 36, without authorization, reproduced Plaintiff's registered  
14 work *Shacked Up* (U.S. registration PA 1-590-157) and distributed it on 6/6/2010 at  
15 14:32:10 GMT, from the IP address 68.213.245.196.

16           58. Defendant Doe 37, without authorization, reproduced Plaintiff's registered  
17 work *SideEffects* (U.S. registration PA 1-323-678) and distributed it on 4/4/2010 at  
18 21:55:34 GMT, from the IP address 74.182.32.218.

19           59. Defendant Doe 38, without authorization, reproduced Plaintiff's registered  
20 work *Slammer* (U.S. registration PA 1-119-437) and distributed it on 4/25/2010 at  
21 00:09:51 GMT, from the IP address 68.214.217.6.

1           60. Defendant Doe 39, without authorization, reproduced Plaintiff's registered  
2 work *Slammer* (U.S. registration PA 1-119-437) and distributed it on 4/28/2010 at  
3 03:55:38 GMT, from the IP address 68.16.8.91.

4           61. Defendant Doe 40, without authorization, reproduced Plaintiff's registered  
5 work *Slow Heat In A Texas Town* (U.S. registration PA 1-661-081) and distributed it on  
6 4/23/2010 at 15:50:33 GMT, from the IP address 74.243.216.199.

7           62. Defendant Doe 41, without authorization, reproduced Plaintiff's registered  
8 work *Stud Farm* (U.S. registration PA 1-246-824) and distributed it on 5/5/2010 at  
9 17:25:07 GMT, from the IP address 68.217.252.55.

10           63. Defendant Doe 42, without authorization, reproduced Plaintiff's registered  
11 work *Tag Team* (U.S. registration PA 992-998) and distributed it on 4/22/2010 at 09:17:05  
12 GMT, from the IP address 98.66.67.171.

13           64. Defendant Doe 43, without authorization, reproduced Plaintiff's registered  
14 work *Tag Team* (U.S. registration PA 992-998) and distributed it on 5/18/2010 at 21:06:57  
15 GMT, from the IP address 74.184.68.83.

16           65. Defendant Doe 44, without authorization, reproduced Plaintiff's registered  
17 work *Tag Team* (U.S. registration PA 992-998) and distributed it on 6/8/2010 at 09:46:06  
18 GMT, from the IP address 98.90.41.163.

19           66. Defendant Doe 45, without authorization, reproduced Plaintiff's registered  
20 work *Telescope* (U.S. registration PA 1-631-963) and distributed it on 4/1/2010 at  
21 17:14:59 GMT, from the IP address 98.87.6.80.  
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1           67. Defendant Doe 46, without authorization, reproduced Plaintiff's registered  
2 work *ToolBox* (U.S. registration PA 1-674-023) and distributed it on 4/25/2010 at 18:13:29  
3 GMT, from the IP address 65.9.180.197.

4           68. Defendant Doe 47, without authorization, reproduced Plaintiff's registered  
5 work *ToolBox* (U.S. registration PA 1-674-023) and distributed it on 6/12/2010 at 04:52:45  
6 GMT, from the IP address 72.145.179.32.

7           69. Defendant Doe 48, without authorization, reproduced Plaintiff's registered  
8 work *Triage* (U.S. registration PA 1-666-468) and distributed it on 6/12/2010 at 14:31:41  
9 GMT, from the IP address 74.245.62.26.

10           70. Defendant Doe 49, without authorization, reproduced Plaintiff's registered  
11 work *WoodsMen* (U.S. registration PA 1-139-371) and distributed it on 6/5/2010 at  
12 09:33:08 GMT, from the IP address 65.13.4.170.

13           71. Defendant Doe 50, without authorization, reproduced Plaintiff's registered  
14 work *WoodsMen* (U.S. registration PA 1-139-371) and distributed it on 6/8/2010 at  
15 05:30:49 GMT, from the IP address 98.74.28.125.

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20                   **SECOND CAUSE OF ACTION**  
21                   **CIVIL CONSPIRACY**

22           72. Plaintiff repeats and incorporates by this reference each and every allegation  
23 set forth in the preceding paragraphs.

24           73. Defendants, and each of them, conspired with the other Defendants by  
25 agreeing to provide infringing reproductions of various copyright protected works,  
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1 including Plaintiff's works, in exchange for infringing reproductions of other copyright  
2 protected works, including Plaintiff's works.

3 74. Each Defendant then took affirmative steps to advance the conspiracy by  
4 unlawfully and without authorization reproducing Plaintiff's copyrighted works and  
5 making those works available on eDonkey2000 in anticipation of receiving other  
6 infringing copies of copyright protected works in exchange.  
7

### 8 JURY DEMAND

9  
10 75. Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff  
11 demands a trial by jury of all issues properly triable by a jury in this action.  
12

### 13 PRAYER

14 WHEREFORE, Plaintiff Io Group, Inc. respectfully requests judgment as follows:

15 (1) That the Court enter a judgment against all Defendants that they have: a)  
16 willfully infringed Plaintiff's rights in federally registered copyrights under 17 U.S.C. §  
17 501; and b) otherwise injured the business reputation and business of Plaintiff by all  
18 Defendants' acts and conduct set forth in this Complaint.  
19

20 (2) That the Court issue injunctive relief against all Defendants, and that all  
21 Defendants, their agents, representatives, servants, employees, attorneys, successors and  
22 assigns, and all others in active concert or participation with them, be enjoined and  
23 restrained from copying, posting or making any other infringing use or infringing  
24 distribution of audiovisual works, photographs or other materials owned by or registered to  
25 Plaintiff;  
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1 (3) That the Court enter an order of impoundment pursuant to 17 U.S.C. §§ 503  
2 and 509(a) impounding all infringing copies of Plaintiff's audiovisual works, photographs  
3 or other materials, which are in Defendants' possession or under their control;

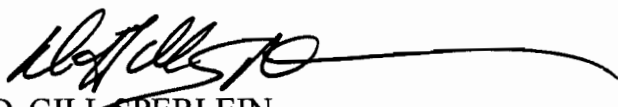
4 (4) That the Court order all Defendants to pay Plaintiff's general, special, actual  
5 and statutory damages as follows: Plaintiff's damages and Defendants' profits pursuant to  
6 17 U.S.C. § 504(b), or in the alternative, enhanced statutory damages in the amount of one  
7 hundred fifty thousand dollars (\$150,000.00) per infringed work, pursuant to 17 U.S.C. §  
8 504(c)(2), for Defendants' willful infringement of Plaintiff's copyrights; and  
9

10 (5) That the Court order all Defendants to pay Plaintiff both the costs of this  
11 action and the reasonable attorney's fees incurred by it in prosecuting this action pursuant  
12 to 17 U.S.C. § 504; and  
13

14 (6) That the Court grant to Plaintiff such other and additional relief as is just and  
15 proper.  
16

17 Dated: 9/24/2010  
18

Respectfully submitted,

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20 D. GILL SPERLEIN  
21 THE LAW OFFICE OF D. GILL SPERLEIN  
22 Attorney for Plaintiff, IO GROUP, INC.  
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CERTIFICATION OF INTERESTED PERSONS

Pursuant to Civil L.R. 3-16, the undersigned certifies that the following listed persons (i) have a financial interest in the subject matter in controversy or in a party to the proceeding, or (ii) have a non-financial interest in that subject matter or in a party that could be substantially affected by the outcome of this proceeding:

Bruce Lahey – majority shareholder of Io Group, Inc.

Brian Ashby – minority shareholder of Io Group, Inc.

Dated:

9/24/2010

Respectfully submitted,



GILL SPERLEIN  
Attorney for Plaintiff IO GROUP, INC.